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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Reiner ESCHBACH et al.

Group Art Unit: 2621

Application No.: 10/604,200

Filed: June 30, 2003

Docket No.: 112221

For: SYSTEMS AND METHODS FOR ESTIMATING AN IMAGE MARKING PROCESS  
USING SCANNED IMAGE ATTRIBUTES

PETITION UNDER 37 C.F.R. §1.181(a)(3) TO CORRECT DRAWINGS IN AN IMAGE  
FILE WRAPPER APPLICATION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants hereby Petition that the drawings in the Image File Wrapper (IFW) of the above-identified application be corrected to reflect the drawings originally filed with this application.

I. Statement of Facts

1. Applicants filed a non-provisional application via the U.S. Patent and Trademark's Electronic Filing System (EFS) on June 30, 2003. The application contained 9 sheets of formal drawings (Figs. 1-9) a copy of which is attached. Also attached is a copy of the acknowledgement receipt from the U.S. Patent and Trademark Office which indicates 9 Figures were received.

2. Upon receipt of certified copies of the application ordered by Applicant, it was discovered that the drawings contained in the IFW for this application (10/604,200) were not the drawings that Applicant filed with their original submission.

3. On August 6, 2004, Applicant contacted the Electronic Business Center Customer Service office to determine why there were incorrect drawings in the Image File Wrapper and how to correct the obvious error. Applicant was directed to the Patent Assistance Center for help, who in turn directed Applicant to the Inventor's Assistance Center, who in turn directed Applicant to the Office of Public Records, who in turn directed Applicant back to the Electronic Business Center. Applicant's representative then talked to a Customer Service Representative, Tony (last name unknown), who looked at Applicants' original submission of June 30, 2003 and determined that, in fact, the correct drawings were submitted and were still packaged in the electronic submission with EFS identification number 42704. Tony indicated that he would e-mail the correct personnel and have the problem rectified. He also indicated that if the problem was not resolved after 7 days, when Applicant accessed the IFW, Applicant should contact the Electronic Business Center again.

4. On August 17, 2004, Applicant contacted the Electronic Business Center and discussed this matter with another Customer Service Representative, Bridget (last name unknown). Bridget indicated that she would contact the office that handled these issues to check on the status of the request to include the correct drawings in the IFW.

5. Applicant again contacted Bridget on August 30, 2004 regarding the status of this matter. Bridget telephoned Applicants' representative later the same day and indicated that the matter had been corrected. Applicant then accessed the IFW and, although the incorrect drawings were no longer visible with the application on the June 30, 2003 filing date, there were now NO drawings associated with the June 30, 2003 application filing.

6. On September 1, 2004, Applicant again contacted the Electronic Business Center and discussed the matter with Tony who, after lengthy consultations with Jenna Davis

of the Electronic Business Center, instructed Applicant to contact Robert Clarke of the Office of Patent Legal Administration.

7. On September 1, 2004, Applicants' representative discussed this matter with Mr. Clarke and was advised that Applicant needed to file the instant Petition requesting the necessary correction to the IFW.

## II. Discussion

In view of the above facts, it is clear from the record that the drawings associated with this application in the IFW system until August 30, 2004 were incorrect. The drawings associated with this application in the IFW system prior to August 30, 2004, did not properly belong with this application, and did not correspond to the drawings originally filed with the application. It is clear that there were drawings filed with this application, and that currently there are NO drawings associated with the IFW on the June 30, 2003 filing date. The error in association of the correct drawings with the application was made by the Patent Office. Applicants noticed this error when Certified Copies of the application were ordered, and have acted timely to correct this error.

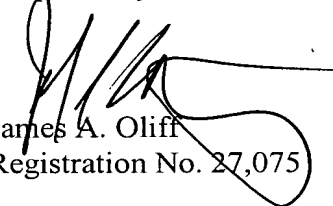
## III. Relief Requested

For the foregoing reasons, Applicants request that the application documents in the IFW system for this application be corrected to include the correct drawings, as originally filed by Applicants with this application. It is also requested that this matter is corrected promptly due to foreign priority issues. That is, Applicant requests that the drawings issue be corrected immediately, so that proper certified copies of the application and drawings can be obtained for submission with corresponding foreign applications claiming priority from this application.

Because the error was an error by the Patent Office, no Petition Fee is believed to be due. However, the Commissioner is hereby authorized to charge any additional fee or credit any overpayment associated with this communication to Deposit Account No. 15-0461.

If there are any questions regarding this Petition in particular, or this application in general, the Examiner is requested to contact Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,



James A. Oliff  
Registration No. 27,075

Joel S. Armstrong  
Registration No. 36,430

JAO:JSA/jag

Attachments:

Copy of Figures 1-9  
U.S. PTO Acknowledgement Receipt

Date: September 3, 2004

**OLIFF & BERRIDGE, PLC**  
**P.O. Box 19928**  
**Alexandria, Virginia 22320**  
**Telephone: (703) 836-6400**

<p><b>DEPOSIT ACCOUNT USE AUTHORIZATION</b> Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461</p>
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**UNITED STATES PATENT AND TRADEMARK OFFICE  
ACKNOWLEDGEMENT RECEIPT**

Electronic Version 1.1

Stylesheet Version v1.1.1

Title of  
Invention

**SYSTEMS AND METHODS FOR ESTIMATING AN IMAGE MARKING  
PROCESS USING SCANNED IMAGE ATTRIBUTES**

Submission Type: Utility Patent Filing

Application Number: 10/604200

**\*10/604200\***

EFS ID: 42704

Server Response:

Confirmation Code	Message
ISVR1	Submission was successfully submitted - Even if Informational or Warning Messages appear below, please do not resubmit this application
ICON1	1199
IGEN77	Filename= submit-usfees.xml BusinessRule= The access code is not included which allows for automated processing to the deposit account.

First Named Applicant: Reiner Eschbach

Attorney Docket Number:

Timestamp: 2003-06-30 18:32:15 EDT

From: us

File Listing:

Doc. Name	File Name	Size (Bytes)
us-request	submit-usrequ.xml	3820
us-request	us-request.dtd	19064
us-request	us-request.xsl	33300
us-assignment	submit-usassn.xml	1951
us-assignment	us-assignment.xsl	8983
us-assignment	us-assignment.dtd	10898
us-assignment	Assign.tif	62799
us-fee-sheet	submit-usfees.xml	1735
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us-fee-sheet	us-fee-sheet.dtd	10901
us-ids	submit-usidst.xml	3752
us-ids	us-ids.dtd	7763

us-ids	us-ids.xsl	12026
us-declaration	Dec1.tif	69876
us-declaration	Dec2.tif	33943
application-body	ob112221-trans.xml	60393
application-body	us-application-body.xsl	83497
application-body	application-body.dtd	49498
application-body	wipo.ent	4956
application-body	mathml2.dtd	54588
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application-body	isoamsa.ent	5191
application-body	isoamsb.ent	3988
application-body	isoamsc.ent	1460
application-body	isoamsn.ent	5620
application-body	isoamso.ent	1934
application-body	isoamsr.ent	7073
application-body	isogr3.ent	3559
application-body	isomfrk.ent	4553
application-body	isomopf.ent	2571
application-body	isomscr.ent	4628
application-body	isotech.ent	5268
application-body	isobox.ent	3568
application-body	isocyr1.ent	5345
application-body	isocyr2.ent	2504
application-body	isodia.ent	1508
application-body	isolat1.ent	5282
application-body	isolat2.ent	9007
application-body	isonum.ent	5913
application-body	isopub.ent	6621
application-body	mmlextra.ent	7901
application-body	mmlalias.ent	38209
application-body	soextblx.dtd	12870
application-body	Fig1.tif	17988
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application-body	Fig4.tif	11370
application-body	Fig5.tif	8094

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Total files size		1006251

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